

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 STEVEN WAYNE BONILLA, No. C 12-2852 CW (PR)
4 Plaintiff,
5 v.
6 KATHY BONILLA,
7 Defendant.

8 STEVEN WAYNE BONILLA, DBA No. C 12-2863 CW (PR)
9 SUNSTATE WHOLESALE TROPICAL
NURSERY,
10 Plaintiff,
11 v.
12 PACIFIC GROWERS, et al.,
Defendants.

ORDER DENYING LEAVE TO
PROCEED IN FORMA
PAUPERIS; DISMISSING
ACTIONS; TERMINATING ALL
PENDING MOTIONS

14 Plaintiff, a state prisoner proceeding pro se, seeks leave to
15 proceed in forma pauperis (IFP) in these two civil actions. The
16 Court previously informed Plaintiff that, in accordance with 28
17 U.S.C. § 1915(g), he no longer qualifies to proceed IFP in any
18 civil action he files in this Court. See In re Steven Bonilla,
19 Nos. C 11-3180, et seq. CW (PR), Order of Dismissal at 6:23-7:19.
20 The sole exception to this restriction is that Plaintiff may
21 proceed IFP if he "is under imminent danger of serious physical
22 injury." 28 U.S.C. § 1915(g). The plain language of the imminent
23 danger clause in § 1915(g) indicates that "imminent danger" is to
24 be assessed at the time of filing of the complaint. See Andrews v.
25 Cervantes, 493 F.3d 1047, 1053 (9th Cir. 2007).

27 Here, Plaintiff has not alleged facts that show he was in
28 imminent danger of serious physical injury at the time he filed

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1 these complaints. Rather, in Bonilla v. Bonilla, C 12-2852, he
2 complains that his sister has denied him an accounting of the
3 proceeds in the living trust established by his father before he
4 died, and in Bonilla v. Pacific Growers, C 12-2863, he seeks
5 monetary damages from the participants of an alleged civil
6 conspiracy that led to his conviction and incarceration.
7

8 Moreover, the fact that Plaintiff has been sentenced to death
9 does not, at this time, satisfy the imminent danger requirement.
10 Specifically, he is not in imminent danger of execution because
11 this Court has entered a stay of execution in his pending federal
12 habeas corpus action. See Bonilla v. Ayers, No. C 08-0471 CW (PR),
13 Docket no. 3.

14 Accordingly, Plaintiff's request to proceed IFP is DENIED and
15 these actions are hereby DISMISSED.¹

16 The Clerk of the Court shall terminate all pending motions,
17 enter judgment and close the files.
18

IT IS SO ORDERED.

DATED: 6/18/2012



CLAUDIA WILKEN
United States District Judge

25 _____
26 ¹ Plaintiff is not precluded from bringing his claims in future
actions in which he pays the full filing fee of \$350.00. However,
even if he does so, such actions will be subject to review by the
Court to determine whether the claims can go forward. 28 U.S.C.
§ 1915A.
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